App. F. IX-4

1941. File No. 246-41

Serial Nos. 2-4

Previous References.
Ch 42-39 (1-4)
C.B 77-38 (3, 6)
Ch-42-39 (5, 7, 8)
19-40 (23, 27)
76-38 (16, 20, 23-24, 28-30, 33, 44)
Later References.
Ch Dep (B-No 5915/41)
Ter 246-41 (5-)
Law 49/42-43 (1-3)

GENERAL AND REVENUE SECRETARIAT.

Ch 265-46-2

Serial Nos. Four only

Part B for April '42

SUBJECT

Representation of Mr. A S Govindarajulu Mudaliar Retired Munsiff

Application of Mr A.S. Govindaraja Mudaliar Retd. Munsiff praying for the Grant of Copies of Certain Correspondence.

3 among the documents required by Mr Govindaraja Mudaliar are not available in the Secrett.

With regard to the remaining document, it is submitted that what is asked for is the "Supplemental Statement to the Quarterly return No 2 for the Quarter ending 30-9-1938 while the Statement received in this Office from the High Court indicates that it relates to "Supplemental Statement to Statement number 2 for 1st September 1938"

It is not clear as to whether both the Statements referred to above are identical.

Perhaps the 3 books referred to in the petition may be called for from the High Court. They may be sent for then, if found necessary. Meanwhile orders on the petition may be passed.

3
14/8/41.

2) Submitted with draft Memo of a letter

CAM 15/8

3
15/8/41

Dismissed vide P.748 of 16.8.41.

Petitions from Mr A.S. Govindarajulu.

Dated 13-8-41
16.8.41
18.8.41
27.8.41

6) Order of the Law Minister on the last petition

xx Law Secy. for reference

Initd. A.V.R
25.8.41

The various references are put up below

The Registrar, High Court, has been asked to furnish certain records, and their receipt is awaited. Refer paras 3.

Await receipt of Records from the High Court & then put up for further orders.

MO
29/8/41

3
29/8/41

to be necessary for furnishing them to him.

15) With regard to the request for holding an enquiry into the allegations made against him, reference is invited to discussions in paras 10 to 12 of notes in the Courts File 42-39-5 to 8 placed below.

16) III. Omission of certain portion of the Government Order dated 6-6-1939:- Reference is respectfully invited to the High Court's letter dated 24-6-1940 on the subject, and to the minutes of the Judges of the High Court in the confidential collection No.77 of 38-39 submitted herewith. On a consideration of all the circumstances of the case it was decided recently that there were no reasons to interfere with the orders already passed in the matter and the representation of Mr.Govindarajulu Mudaliar in that behalf was ordered to be rejected. Reference is invited to discussions in paras 34 & 35 of notes in the Courts collection 19-40-23 and 27 placed below.

Submitted for orders with references.

2) The explanations of Mr Govindarajulu Mudaliar referred to in para 13 received from the High Court are put up.

Mr Govindarajulu Mudaliar has since filed another representation appealing against the order of the Dist Magistrate Mr Tumkur declining to furnish him with a copy of the monthly statement for Sept 1938 sent by him on 21.10.38. And the same is filed for reference

2) In respect of the explanation of Mr Govindarajulu Mudaliar dt 3.12.1938 reference is invited to the Minute of the Chief Justice. Page 3 of the above Minute deals with the explanation of Mr Mudal dt 17.2.1939.

Subh
Cpm
23/9
Sub

Serial No.

OFFICE OF THE MINISTER FOR LAW
SEP 30 1941
No. 3194

OFFICE OF THE MINISTER FOR LAW
NOV 1 1941
No. 4200

Bangalore ~~[illegible]~~. The several applications are comprising ~~[illegible]~~

30-9-41

1/10/41

27) Please put up the file after the two days are over

Bangalore 3
1/10/41

28) Resubd for orders.

29) (It is seen from the Govindarajulu Mudaliar's letter that he is now at Madras.)

24/10

29/10

Magistrate

Dom
1/11

Dr Bruce began Dom
the Secretary 3
1/11/41

Hv
2
41

Issued No P 1830 on 5.11.41.

We appeared today & have handed him
permit out the application
for release accused has further reply
if any

Dom
15/11/41

Hv
17.
3
171

The Statement recorded was forwarded
Court by Sen Mrs Sharma in
presence of the Sessions Judge today

A visitor desiring to see any officer is requested to send up his name, stating the nature of his business.

the CJ/ Please note letter 33 10/12/41

Name A.S. Govindarajulu

Whom he wishes to see

(41) *Business* Lowdie

Please put up the file with your remarks

Re 10/12/41

33 10/12/41 Hm 2 10/12/41

Submitted With reference.

(42) The latest letter of 10.12.41 of Mr Govindarajulu Mudaliar is submitted herewith. In that letter he has requested Govt to be furnished With a copy of the particular letter which is supposed to contain his Confession.

(43) It is submitted that the Chief Justice has referred in his Minutes of 22.12.1938 & 2.4.193 to the following letter of Mr Govindarajulu Mudaliar and has expressed his opinion that the omission was deliberate.

(1) Letter Dt 1.12.1938 to the Dist Magistrate Tuticorin (a Copy is in the file)

(2) Letter Dt 3.12.1938 to the Registrar Hgh Court

(3) Letter Dt 17-2-1939 to the Registrar Hgh Court through the Dist. Magistrate Tuticorin

It is presumed that he requires Copy of the above mentioned letters.

Submitted for orders with reference to Law Minister's Minute Dt 10.12.61 on the interview Slip of Mr Govinda Menakshi.

It may be submitted to the Law Minister.

Law Secretary

Law 13/12

see paragraph 40 above may also be given

Dewan) 20/12

50) It does not seem necessary or desirable to give him copies of these papers at this stage. However I shall speak to Mr. Law Member

20/12/49

51) The papers may ~~be filed~~ lie over. Spoken

2/12

From

Sri.Belur Srinivasa Iyengar,B.A.,B.L.,M.L.C.,

Advocate, "Ranga Vilas",

Gandhi Nagar,Bangalore.

and other M.L.C's.

To

The Dewan Of Myosre,

B A N G A L O R E.

Dated.15th December 1941.

R E M I N D E R.

We may be informed kindly what action was taken on the Memorandum presented by us during the deputation on 2-8-1941, pressing for a full enquiry on the single charge against Mr.A.S.Govindarajulu, Retired Munsiff.

d with a typed draft

58) may be approved
Law Secretary) 3/ 2/1/42

59) May be approved.
Minister for Law.) Hm 2/1/42

) 2/1/42

may be sub° to the Dewan also after his return. 3/ 2/1/42

Hm
4/1/42

Hm
2
5.1.42

3/ 7/1/42

61) Submitted for kind perusal
Dewan) 3/ 16/1/42

62) The Law Minister may please
apean to me

Hm
19/1/42

Received
(Ans 6/2) (It is since seen that Mr Govindaraj Pandalai has served a Notice to Govt to the effect that he intends to file a Suit against Govt. ~~on~~ The letter is being dealt with in Law Section)

6) The file, containing the Notice, is laid up, for perusal by the Law Minister.

3
6/2/42

(Law Secy)

6C) for perusal of Minister for Law.)

Hm
2
6.2.42

3
6/2/42

Please see ~~note~~ minute on it & expedite full note

Hm
7/2

Hm
2
9.2.42

3
9/2/42

A Note is submitted herewith

(The worthified Notice is also laid

(Ans 9/2)

69) The Note below gives in detail the facts of Govindraju's case

70) The main grievance of her & Mudiar is that he has been found "guilty of deliberately & subversively incomplete statistical returns with a view to hide his shortcomings & mislead his superiors" without a proper enquiry

71) I hold that the Mudiar's contention in this ground is wholly untenable This is evident by a perusal of the minutes made by the Judges of the High Court; (Flag O) it clearly shows that an enquiry in this respect was made by the High Court & only after satisfying themselves on the point, the Judges of the High Court gave the findings as noted above

72) Under Sec 20 of the Mysore Civil Courts Act, the High Court has power either to make enquiry itself into an "alleged misconduct" or the part of the Munsiff, or "appoint a Commission for enquiring thereinto" The present case did not need an enquiry by a Commission or as contemplated under Chapter X of the Manual of Circulars & Standing orders,

because, the facts to substantiate the allegations against the Auditor were all within the reach of the High Court. Flag O shows that the Auditor's explanation regarding the submission of "incomplete statistical returns" was taken, & it is only after considering this explanation on that point, that the High Court gave such a finding. An enquiry by Commission is ordered only when extra evidence is required or when the High Court expresses a definite finding on the grave charge levelled against the public servant. Such was not the case here. It was not a case where an enquiry by Commission was needed. The proceedings of the High Court in the case of the Auditor were all in order.

73, Further, the order of Govt (Flag Z) shows that Govt ordered the retirement of the Auditor on the fact that his work "has been unsatisfactory throughout" & that it was "not desirable to continue such an incompetent & sickly officer", not on the finding of the High Court that he

"was guilty of deliberately submitting incomplete statistical returns. Even if it was based on that finding, the Lord would have been justified, because that finding was based on facts proved & admitted.

74) Moreover, the threatened suit against Lord is not maintainable under Rep No VII of 1923, because it cannot come under the purview of Sec 2 of the Act providing for suits against Govt. This extended suit for the specific performance of the contract is ill-conceived & far fetched. No doubt a Govt servant, cannot be dismissed or ejected without an enquiry, but Mr J Chidlow forgets that in his case an enquiry" was held by the High Court. Perhaps he means by enquiry, a regular trial & he interprets enquiry in those terms then he is wrong & misinformed The reliefs that he prays for, are all unnecessary, cannot be granted by any Court of Law

75) Thus, the facts as seen clearly go to show that Mr Chidlow the Plaintiff's grievance is ill-founded, & his contentions

wholly untenable.

The Executive Instructions may be awaited.

Law Secretary) 3/ 25/2/42

The suit is not maintainable. He has no real grievance. His claim is unfounded. The proposed suit may be awaited.

Minister in Law.) Hm 26.2.42.

3/ 26/2/42

Reference invited also to Secretary's minutes of 20-12-41 & 19-1-42 (paragraphs 50 and 51 supra).

Dewan) Bn 28/2

Hm 27/2/42

Bn Nil

Hm 2 27.2.42

Representation of Mr Govindarajulu Mudaliar

General and Revenue Secretariat | File No. | of 194 | [App. F. III—2

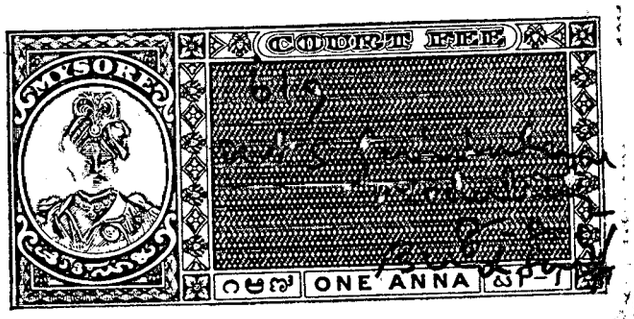
Serial No.

8) Here does not seem to be any necessity to send any endorsement to the letter. The enclosure just may be awaited

Law Secretary 2/3/42

9) No need to issue an endorsement. May be filed.

Hm 2/3/42



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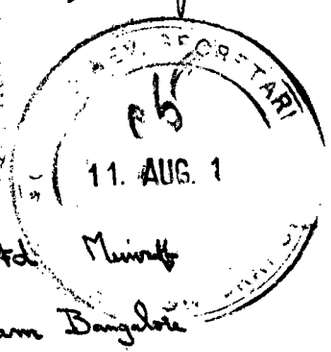


From A.S. Govindarajulu M.A.B.L. Retd Munsiff
428 VIII Main Rd Malleswaram Bangalore

To

Ch 246-41

The Secretary Law Department
The Government of Mysore Bangalore

Dated:- 11.8.41

Dear Sir,

Please grant me two copies of each of the following documents I want them in connection with the investigation into the charge against me and my appeals

The private letter written by me to the registrar High Court Mysore at Bangalore dated -1-1939 sending Pongal greetings and also explaining the delay in sending the work done statement and which is supposed to contain my confession of guilt.

2. The Supplemental Statement to the Quarterly return No 2 for the quarter ending 30th September 1938 for the 2nd Magistrate's Court Tumkur.

3. The examination by me of The Head Head clerk Mr Tharmanarayana Iyengar regarding the omission of the figures of six months old cases in the Said Supplemental statement to Quarterly return No 2 and dated 10.2.39, and 18.4.39

4 The explanation furnished by the copyist with reference to the above matter. Dated 19.4.39.

The Registrar,

High Court of Mysore,

Bangalore.

Sir,

I am directed to request you to be so good as to furnish this office with the following :-

1) Letter dated Jan.1939 from Mr.A.S.Govindarajalu Modaliar, to the Registrar, High Court of Mysore sending Pongal Greetings and explaining the delay in furnishing the statement of work done.

2) The supplemental statement to the quarterly return No.2 for the quarter ending 30th September 1938 for the Second Magistrate's Court, Tumkur.

3) Explanation of the Head Clerk Mr.Tirunarayana Iyengar in the matter of omission to enter the correct figures in the supplemental statement referred to above

4) The explanation furnished by the copyist of the Court in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department,

From

A.S.Govindarajulu,M.A.,B.L.,

12,Officers Line,

PALLAVARAM.S.I.Ry.

To

The Dewan of Mysore,

BANGALORE.

Honoured Sir,

I humbly submit that what I said in explanation of the delay in sending the work done Statement (an unwanted statement)should not be misinterpreted as referring to the Supplimental statement,(the subject matter of the charges). You can do me justice only if you are convinced of my innocence. So I humbly pray for an enquiry.

Dated. 13th August 1941.

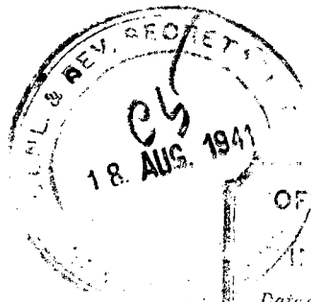
Yours Obediently,

A S Govindarajulu

Submitted

This is from Mr. A.S. Govindarajulu, Retired Munsiff, on whose behalf some L.C. Members waited on the Dewan ~~with a Deputation~~ some days ago. The question is being dealt with in the Prohibition Branch.

15/8.



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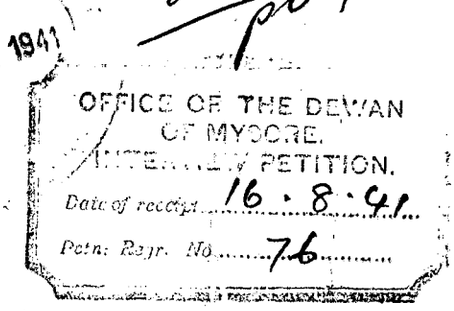


To

The Dewan of Mysore,

B A N G A L O R E.

The humble petition of A.S.Govindarajulu Mudaliar, M.A., B.L., (Retired Munsiff) 12, Officers Line. Pallavaram. Madras, dated ~~6-4-1940~~. 16.8.1941.

Most respectfully Sheweth:-

That he humbly prays that the following words may be deleted kindly in the order No.3850-51 C.B.210-38-2 dated 6-6-1939 retiring him,

"the character" (in line 1) if there are no such reports;

" and that in addition he has been found guilty of deliberately submitting incomplete statistical returns with a view to hide his short comings and mislead his superiors" (inline 6) as he is not guilty.

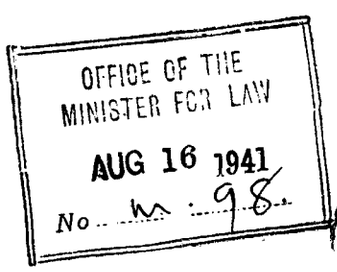
For which act of kindness and justice the humble petitioner, shall, as in duty bound, ever pray.

A.S. Govindarajulu

The humble petitioner.

Law Secy for reports & remarks

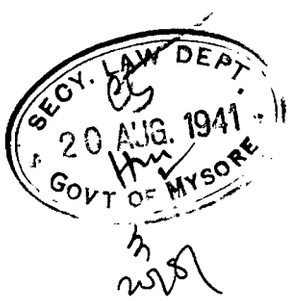
16-8-41



cts

18/8/41

1097/41
8



From. A.S.Govindarajalu Mudaliar, M.A., B.L.,
Rtd. Munsiff.
12 Officers lines Ballavaram.
S. I. Ry.

To. The Law Secretary
The Government of Mysore, Bangalore.

Dated. 18-8-41

Sir,

In continuation of my copy application dated 9-8-41 I Pray that two copies of the following documents also may be furnished kindly

1. The so called workdone statement sent by me from the second Magistrates Court Tumkur to the district Magistrate Tumkur and through him to the Registrar High court Mysore in or about January 1939
2. My official explanation for ~~the~~ sending this statement after such long delay & sent to the Registrar

Yours Obediently
A.S. Govindarajalu

OFFICE OF THE
MINISTER FOR LAW
AUG 27 1941
No 108

120 b 941
P 941

From

A. S. Govindarajulu, M.A.,B.L.,

Retired Munsiff,

12, Officers Line, PALLAVARAM, S.I.Rv.

To

The Dewan of Mysore,

BANGALORE.

DEWAN'S OFFICE
27. AUG. 1941
NO 24.243

Honoured Sir,

I prostrate before you and pray. As one who cares only for his honour I personally pray for a regular enquiry, to squarly meet the charge against me. It may be unfair to misinterpret my private letter to the Registrar regarding the work done, statement as referring to the supplemental statement of the charge when I was given no opportunity to offer my explanation even on that point. But if you are convinced of my innocence, then I leave it to you our Head to do what you think just.

I beg to remain,

Honoured Sir,

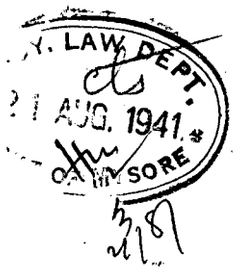
Your most obedient servant,

A S Govindarajulu

Out of reference

3
28/8/41

1118 Jul/P



From

A.S.Govindarajulu Mudaliar,M.A.,B.L.,
Retired Munsiff,
12 Officers Line,
Pallavaram.S.I.Ry.

To

The Secretary,
Law Department,
Government of Mysore,
BANGALORE.

Dear Sir,

I have the honour to submit as follows:-
The words convicting me are different from the words of the charge against me. It is capable of meaning that I was convicted of not at all sending some return, perhaps the so-called work-done statement.

I heard,only recently that my private latter to the Registrar,High Court,Mysore, explaining and begging to be excused for delaying submitting this work-done statement is considered as a clinching confessional statement of my guilt. This strengthens my doubt.

I prayed the High Court to enlighten me regarding this doubt, but my prayer was rejected. In this connection I beg to submit that the subsequent correspondence between the High Court and the District Magistrate, Tumkur, brought out the fact that the above work-done statement was an unwanted statement. So I submit that I could not be convicted of not sending the statement.

Hence I submit that the said private letter to the Registrar should not be used as a confession of my guilt by misinterpreting some sentence in it, about the work-done statement as referring to the Supplimental Statement the subject matter of the charge, especially because no opportunity was given to me even to offer my explanation on the point.

Hence I submit that if a regular enquiry is ordered I shall be able to prove my innocence of the charge.

I have the honour to be

Dear Sir,

Your most obedient servant,

A.S. Govindarajulu

Bangalore
~~Pallavaram~~,
Dated. ~~18~~ 19-8-1941.

1270/41
p241

R. O. C. No. 282 41-42

Encl: Three

SECY. LAW DEPT. 29 AUG. 1941 GOVT OF MYSORE

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 28th August *1941.*
29th

CS-246-41-8

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

To

H.V. NARAYANA RAO, ESQ., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

With reference to your letter No.P.748, dated 16 August 1941, calling for some more papers relating to Mr. A.S. Govindarajulu Mudaliar, retired Second Magistrate of Tumkur, I am directed to state that Mr. Govindarajulu Mudaliar's letter of January 1939 mentioned in your letter has not been received in the High Court. His explanation of the delay in submitting the statement of work done by him is dated 17 February 1939 and not January 1939

2. The Supplemental Statement to the Quarterly Return No.2 for the quarter ending 30 September 1938 relating to the Second Magistrate's Court at Tumkur was sent to you with my letter R.O.C. 517/40-41, dated 15 November 1940.

3. The explanations of the Head Clerk and the Copyist regarding the omission in the Supplemental Statement are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar

REGISTRAR.

lu

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

With reference to correspondence ending with your letter No.R.O.C.282/41-42 dated 29th August 1941, I am directed to request you to kindly furnish Government with the following:-

(1) The explanation of Mr.A.S.Govindarajulu Mudaliar dated 17th February 1939 in respect of the delay in submitting the statement of work done by him while he was Second Magistrate, Tumkur.

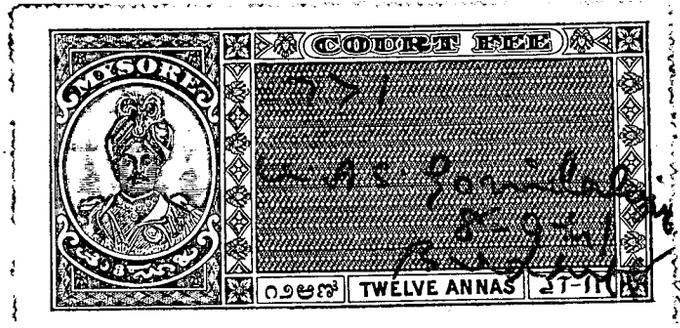
(2) The official explanation of Mr.A.S.Govindarajulu Mudaliar addressed to the Registrar, High Court of Mysore for sending the statement after a long delay.

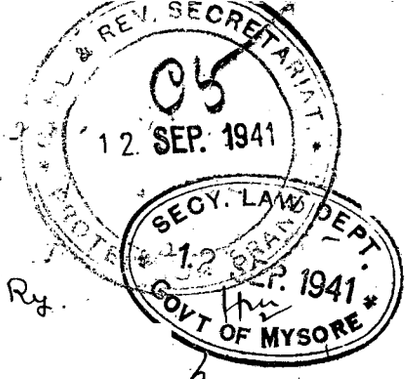
I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Law Department.





S. Ry.

3

12/9/41 1489/P/41

To

The Secretary

Law Department.

Government of Mysore.

From

A S Govindarajulu. M A / B L

Hired Munsiff

12 Officers lines

Pallavaram

S. Ry.

Dated 10 9. 1941.

Dear Sir

I have the honour to submit as follows

On 9.8.41 I sent a copy application to the District Magistrate Tumkur. I prayed for the grant of a copy of the monthly Statement of pending Cases for the month of September 1938, Sent on 21-1-1938 from the 2nd Magistrates Court Tumkur. I received the following endorsement on 29-8-41

"With reference to his application dated 29-8-41 requesting the grant of Copies of the monthly Statement of pending Cases for the Sptl. II Magistrate Court Tumkur for the month of September 1938 Mr A S Govindarajulu Retd Munsiff Bangalore is hereby informed that a copy of the return cannot be granted as it forms part of an official

Correshendence The postage stamps and Copying Sheets received with his application are here with returned.

Sd. K. Nanjappa
for District Magistrate
Tumkur.

I appeal against this order.

I want the said Copy because what is the chief piece of evidance in my defence with documentary asst reference to the Single Charge against me that incompleted asst I sent the Supplemental Statement in order to to hide the fact that there were 30 cases Six months old Matter pendin. Because the said Monthly Statement gives in detail with the dates of institution of each and every case pending over 3 weeks and it was despatched the very next day afr. the sd Supplemental Statement.

this may not be refused

It will be depriving me of very material piece of defence evidence I want this copy because after all it is a monthly statement and may be destroyed after a lapse of a few months and thus the most material piece of defence evidence a document to prove my innocence of the Charge will be destroyed

For the above and any other proper reasons I pray the order of the Dist Magistrate directing to grant the copy with the date of despatch and receipt of the said monthly Statement may be set aside and it may be ordered kindly that I may be furnished with the said copy.

I enclose 4 copy sheets and 3 annas postage stamps for postage.

I have the honour to be
Dear Sir
Your most obedient Servant

As Given Paragraph

R. O. C. No. 282 41-42
D. Dis.

Enc: Two.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

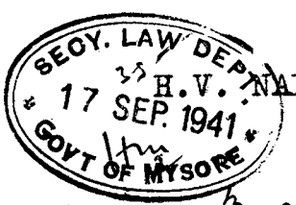
Bangalore, 16th September *194* 1.

17

FROM

T. SHAMIENGAR, ESQ., B.A., B.L.,
Registrar, High Court of Mysore.

To



H.V. NARAYANA RAO, ESQ., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

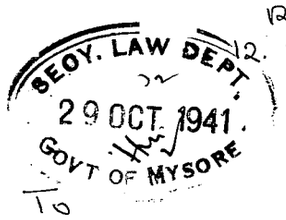
1819

I am directed to enclose the papers noted in the margin* relating to Mr. A.S. Govindarajulu Mudaliar, as requested in your letter No.P. 1033/Cts. dated 8th September 1941.

1. The explanation of Mr. A.S.Govindarajulu Mudaliar dated 17th Febraury 1939 in respect of the delay in submitting the statement of work done by him while he was Second Magistrate, Tumkur.
2. The official explanation of Mr. A.S. Govindarajulu Mudaliar addressed to the Registrar, High Court of Mysore for sending the statement after a long delay.

I have the honour to be,
Sir,
Your most obedient servant,

A S Govinda Daraju
2nd Munsiff
12. Officers Lines
Pallavaram - Madras



To

The Secretary
Law Dept Govt. of Mysore
Bangalore.

Dated 28.10.41

Reference Copy applications etc
dated 9.8.41 and 18.8.41
and 10.9.41. etc

rat orders
re passed on
file 2
Hm
29.10.

Please put up
29/10

Weary

I pray for Kind
orders on my copy applications and
that they be kindly granted
Yours obediently
A. S. Govindaraju

No. P/1860/C5-

GENERAL AND REVENUE SECRETARIAT

Bangalore, Dated, 5th November 1941.

C5-246-41-4

ENDORSEMENT

A.S.Govindarajulu Mudaliar, Esq.,
Retired Munsiff,
12 Officers Lines,
PALLAVARAM, MADRAS

With reference to his correspondence ending with letter dated 28th October 1941 requesting copies of his correspondence with the Government and the High Court while he was in service, Mr.Govind rajulu Mudaliar is informed that he may interview the Minister for Law at his Chambers in the Public Office, Bangalore at 3 P.M. on the 15th instant.

By Order,

No.P1860/Ch & S.-11.41

A.S.Govindarajulu Mudaliar, Esq.,
Retired Munsiff,
12 Officers Line,
Pallavaram, Madras.

Endorsement.

With reference to his correspondence ending with letter dated 28-10-1941 requesting copies of his correspondence with the Government and the High Court while he was in service, Mr.Govindarajulu Mudaliar is informed that he may interview the Minister for Law at his chambers in the Public Office, Bangalore at 3 P.M. on the 15th instant.

By Order.

For Secretary to Govt.
Law Dept.

OFFICE OF THE DEWAN OF MYSORE,

Dated, 5th Nov 1941

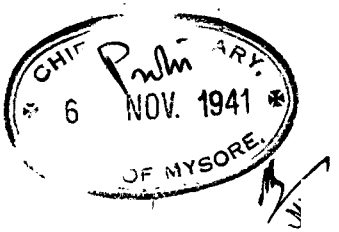
Pct. No. 607

The accompanying petition addressed to the Dewan is forwarded, with compliments, to the Chief Secretary to Government for disposal.

By Order,

Private Secretary to the Dewan.

5.11.41



A S Govindarajulu
Rtd Nursing
12 Officers Lines
Pallavaram -

OFFICE OF THE DEWAN OF MYSORE.
Madras
Date of receipt.....
Petn: Regr. No.....

To
The Dewan of Mysore
Bangalore.

Dated 28.10.41.

Reference. Petitions dated 6.8.41 and 21.8.41.

Honoured sir,

I humbly pray for

orders

Yours obediently
A S Govindarajulu

2993/41

REVENUE SECRETARIAT
ES
4. DEC. 1941
BRANCH

From.

A. S. Govindaraju
Retd. Munsiff
428. VIII. Main Rd.
Malleswaram - Bangalore.

To

The Secretary
Law Department
Govt of Mysore, Bangalore.

SECY. LAW DEPT.
38
2 DEC. 1941
GOVT OF MYSORE

2/12/41 27. 11. 41

Dear sir

The Chief Justice has kindly granted me an interview on 29. 11. 41.

I pray I may be permitted ~~the~~ to see use the Supplemental Statement to the quarterly Statement No 2 for the Quarter ending 30th September 1938, before the said interview, so that I may know whether the Statement contains blanks or not and its contents

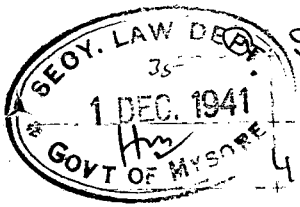
I pray that the copies applied for

From

S. Govindaraju

Rtd. Munsiff

428. VIII. Main Rd. Malleswaram.



To The Law Secretary

Government of Mysore Bangalore

30 11 41

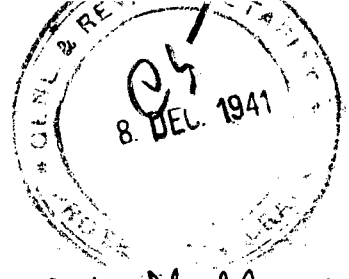
Dear Sir,

I pray I may be kindly permitted to see the Supplemental Statement ~~No 2~~ as a to Quarterly Return No 2 for the quarter ending 30. 9. 38. for the Court of the 2nd Magistrate Tumkur (in subject matter of the Charge against

Yours truly

A S Govindaraju.

3118 p 41



From C. S. Govindarajulu
Rtd. Munsiff. 428. VIII Main Rd. Halleswaram.

To The Law Secretary
Government of Mysore. Bangalore.

6. 12. 41

Dear Sir

To day I again saw the Chief Justice I pray for an interview with the Law Minister On 10. 12. 41 I shall wait at this Chambers from 3 P.M. and I pray that the following documents may be made available there, if possible

The Special supplemental Statement (the subject matter of the charge)

2. The monthly Statement for Sept. 1938

3. The letter containing my alleged Confession

I humbly submit that I am here from Pallavaram - Madras since 9. ~~12~~ 11. 41 in connection with this affair

Yours obediently
C. S. Govindarajulu

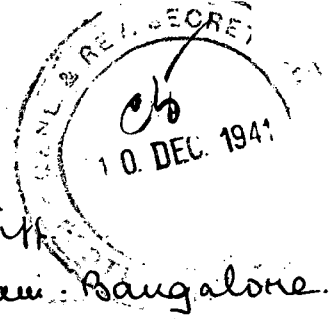
The statements cannot be given to the accused. They may be placed before the Minister

Law Secretary 3/12/41

May not be made available.

Minister for Law 11/12/41

11/12/41



Hm 2 10.12.41

From

3/10/1941

A. S Govindaraju Rtd. Hussildar
428 VIII Main Rd Malleswaram Bangalore.

To The Law Secretary
Government of Mysore, Bangalore

10 12. 41.

Dear Sir

In continuation of my copy application I submit as follows

I did not know exactly what letter of mine was used as evidance against me and was considered as containing a confession of guilt. So I could not be very exact about it. I am now told personally that no private letter of mine to the Registrar High Court is in the record and that it was not used as evidance against me. Under these circumstances I pray that a copy of that particular letter that is supposed to contain confession may be kindly granted

Yours obediently
A S Govindaraju

3605/41
P

A. S. Govindarajulu
Rtd. Munsiff
26. Mount Road.
Saidapet - Madras.

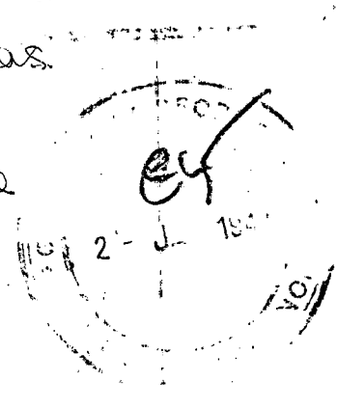


Photo Branch
1

3
21/42

The Dewan of Mysore
Bangalore

dated. 30 12. 41.

Dear Sir

Lest I give a technical excuse, I record my protest and I shall draw my pension which I had not drawn for nearly a year, but this is done without any prejudice to my enforcing my rights ~~if any~~ as for a regular enquiry on the simple charge against me in a Court of Law in the last resort.

Yours obediently

From

A S Govindaraju
No 26 Mount Road
Sandapet Madras

DEPARTMENT
1 DEC 1941
NO M. 8024

To

The Dewan of Mysore
Bangalore

dated 30.12.41

Dear Sir

I pray for kind orders on my petitions dated 6-8-41 and 13-8-41.

Yours obediently

A S Govindaraju

From. A.S. Govindarajulu M.A.B.L. 1431/41 p841

Retired I Grade Munsiff

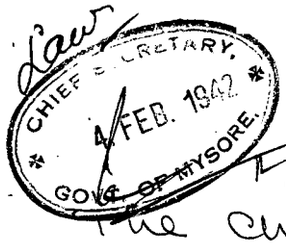
c/o

C.R. Swaminatha Mudaliar

Cavalry Road,

Bangalore Cant.

Law 108-41



To 4/2/42

The Chief Secretary to the

Government of Mysore, Bangalore.

Dated. 3 2.2.42.
asg

Sir.

I respectfully give this notice under Section 80. Cr. P.C. that I intend filing a suit in the District Court, Bangalore, on the following cause of action and for the following reliefs

My place of residence is. A.S. Govindarajulu M.A.B.L Retired I grade Munsiff c/o Thru C R Swaminatha Mudaliar 18 Cavalry Road, Bangalore Cant.

The Cause of Action I was a permanent I Grade Munsiff. I was confirmed with effect from about 23.11.1923.

On 8.2.1939 the following Simple Charge was framed against me by the order of the Chief Justice " You are charged with deliberately Submitting an incomplete Supplemental Statement to Quarterly return II for your Court for the quarter ending 30th September 1938, in order to hide the fact that there were 30 cases Six months old on your file at that time

Only my explanation was called for.

I sent my explanation that I was not guilty.

A.S. Govindarajulu

Since the District Magistrate had accepted my explanation I was confident that either my explanation would be accepted or that a full enquiry would be ordered

But on 10 6 1939 I was shocked by the order of retirement order No. 3850-51 CB 210-38-2 dated 6.6.39 Camp Mysore I was relived on 10.6.39

That order contains this sentance

He has been guilty of deliberately submitting incomplete statistical returns with a view to hide his short-comings and mislead his superiors."

I had never been reduced even once I was not medically disqualified.

I was held to be guilty, it must be of the said charge, though there was no enquiry. That is, there was no personal interview, the evidance in support of asg. the charge was not taken or recorded in my presence, I had no access to the papers used in evidance against me, I was not permitted to adduce any evidance in my defence. In fact no evidance was taken either in my presence or behind my back Thus there was no enquiry at all as per rules

As Govindarajulu

As soon as I came to know of my conviction on this charge, and even before it I sent repeated prayers for a proper enquiry as per rules But they were all summarily rejected All my varied efforts to get a full enquiry ordered have been so far futile

There should not be a finding of "guilty" without a proper and full enquiry, that is without giving me a fair opportunity to prove my innocence of the definite charge against me.

Such a full and proper enquiry is not merely a moral but is both a contractual and a statutory obligation Such an enquiry is guaranteed before I can be so seriously punished as being compulsorily retired Such a contract is implied, in the contract of service, when an officer is made a permanent case gazetted officer and a Hereditary It is expressly provided for in the Mysore Service Regulation the Civil Courts Act Section 19 and 20 and in the Manual of General circulars and standing orders articles 212, 213 216, 220 to 229 and 234 to 239.

Only in petty cases coming under art 214 of the said Manual a mere explanation will suffice But when so serious a punishment

As Govindarajulu

punishment as compulsory retirement follows the single charge against me, then an enquiry as laid down in articles 220 to 229 of the said Manual ie the examination of pws and dws in my presence is imperative

The reliefs prayed for I shall pray for the following reliefs

1. The specific performance of that contract that is an order granting such an enquiry, or that such an enquiry should be granted, or that the refusal to grant such an enquiry is ultra vires, and that the order returning me without such an enquiry is ultra vires

2. Or it may be declared that there is no such right to an enquiry for a permanent gazetted officer a munsiff.

3. Or it may be declared that there is no legal remedy for the wrong done to me that is the refusal to grant an enquiry

F For such other relief as the Court sitting as a Court of Justice equity and good conscience chooses to grant

I am

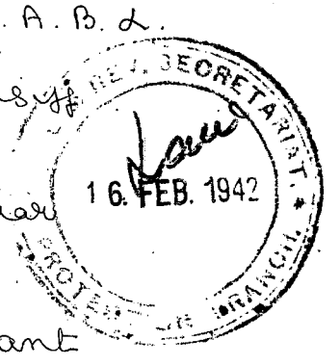
Yours obediently

As Goorudarayulu

3 2. 1942.

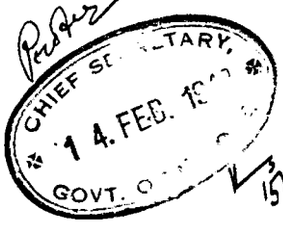
From

A.S Govindaraju M.A.B.L.
Retired I Grade Munsiff
c/o
Thru C.R. Swaminatha Mudaliar
14 Cavalry Road
Bangalore Cant



By Regd Post

To



The Chief Secretary
to the Government of Mysore
Public Offices
Bangalore.

No 14/42 dated 13th Feb 1942.

Sir

In supersession ~~continuation~~ of the notice as Govindaraju given on 3-2 1942 I give this modified ~~further~~ as Govindaraju notice under Section 80 Civil Procedure Code I intend filing a Suit, in the Hon'ble Court Bangalore, on the following Cause of action, and for the following relief

My place of residence is.

A.S Govindaraju M.A.B.L
Retired Munsiff c/o Thiruvalar,
C.R. Swaminatha Mudaliar avergal,
14 Cavalry Road Bangalore, Cantonment

Single charge was framed against me by the order of the Chief Justice "You are charged with deliberately Submitting an incomplete supplemental Statement to Quarterly return II for- Your Court for the Quarter ending 30th September 1938 in order to hide the fact that there were 30 Cases Six months old on Your file at that time"

Only my explanation was Called for. I sent my explanation that I was not guilty The District Magistrate had accepted my explanation so I was confident that either my explanation would be accepted or that a full enquiry would be ordered

But on 10.6.1939 I was shocked by the order of retire- ment order No. 3850-51 C.B. 210-38-2 dated 6-6 39 Camp Mysore I was relieved on 10-6-1939

That order contains this Sentence He has been guilty of deliberately Submitting incomplete Statistical returns with a view to hide his short-comings and mislead his Superiors

I had never before been reduced even once I was not

I was not medically disqualified.

I was held to be guilty. It must be of the said charge though there was no enquiry that is there was no personal interview, the evidence in support of the charge was not taken or recorded in my presence, I had no access to the papers used in evidence against me I was not permitted to adduce any evidence in my defence In fact no evidence was taken either in my presence or behind my back. Thus there was no enquiry at all as per rules

As soon as I came to know of my conviction on this charge, and even before it, I sent repeated prayers for a full and proper enquiry as per rules But they were all summarily rejected All my varied efforts to get a full enquiry ordered have been so far futile

There should not be a finding of "guilty" without a proper and full enquiry, that is without giving me a fair opportunity to prove my innocence of the dirty charge against me

Such a full and proper enquiry is not merely a moral, but is both a contractual, and a Statutary obligation Such an enquiry is guaranteed, before I can be so seriously punished as being Compulsorily retired Such a Contract is implied in the Contract of service, when an officer is made a permanent gazetted officer and a Munsiff It is expressly provided for in the Mysore Service Regulation the Civil Courts Act Section 19 and 20 and in the Manual of General Circulars and Standing orders articles 212 213 216, 220 to 229 and 234 to 239

Only in petty cases coming under article 214 of the said Manual a mere explanation will suffice But when so serious a punishment as Compulsory retirement follows the single charge against me there an enquiry as laid down in articles 220 to 229 of the said Manual ie the examination of witnesses and documents both for and against the charge and in my presence is imperative.

The Reliefs prayed for I shall pray for the following reliefs:-

1. The specific performance of that Contract that is an order granting such an enquiry, or that such an enquiry should be granted or that the refusal to grant such an enquiry is Ultra Vires, or that the order refusing me without an enquiry is Ultra Vires

2 Or it may be ~~it may be~~ as is evidenced declared that there is no such right to an enquiry for a permanent gazetted officer a nurse

3 Or it may be held or declared that there is no legal remedy for the wrong done to me, that is the refusal to grant an enquiry

damages for the breach of the said Contract either express or implied or both a pray rupee one may be awarded as token damages as ones honour is a priceless asset.

Yours obediently

A S Govindarajulu

12-2-1942

Note

Mr Govindarajulu Mudaliar has been persistently contending that the primary cause of his retirement from service was the alleged submission of incomplete statistics. All his arguments and contentions centre round this assumption.

A reference to Govt order Dt 6-6-1939 directing the retirement of Mr Govindarajulu Mudaliar clearly indicates that the main grounds for the retirement were the following:

(1) Unsatisfactory work of the Officer throughout

(2) poor health

(3) Incompetence.

The alleged manipulation of statistics was an additional ground for his retirement. In fact this ground had not been before Govt when they

took up the question of taking action against him in consequence of the adverse remarks made against him in the Confidential reports. Please see the Chief Secretary's letter dt 16.11.1938. to the Registrar High Court.

The High Court and the Govt. were satisfied about the unsatisfactory (unsatisfactory work) work of the Officer and ordered his retirement (Please see Council resolution dt 23.5.1939)

With regard to his contention that no enquiry was held into the charges against him, it may be stated that no enquiry was necessary in respect of the remarks made by his superior Officers year after year on his work. In fact in some cases which came up for revision in the High Court, adverse comments appear to have been made (Vide Minute of the Chief Justice) (dt 0)

The above statement equally applies in respect of his health

In respect of the reported [illegible]
of his incompetence, the Confidential
reports of his superior Officers
appear to be the best criterion
on which a decision can be
reached on the subject Even in
respect of this item no enquiry
can perhaps be held

The only enquiry that could be
thought of was in respect of
the alleged manipulation of
statistics The Ministers of the
Judges of the High Court
indicate that the act was
deliberate and the information
furnished to Govt in that behalf
was based on the explanation
furnished by Mr Govindarajulu
Mudaliar and also on the admitted
facts by him. Reference is
invited to the details on page
287 of the Minute of the
Chief Justice He is of opinion
that the omission was deliberate
and that Mr Govindarajulu
Mudaliar could not be trusted to

to do his work as a Magistrate
Carefully, Vigorously and efficiently.
The explanations of Mr Govinda-
rajulu Mudaliar were obtained
by the High Court in respect
of the Charges framed by
the High Court and after
discussing them on their merits
the Judges were of the opinion
that he ~~may~~ might be retired or reduced
It is not clear as to what
more facts ~~were~~ had to be
obtained from him in spite
of the admitted facts by him
in his Statements
He made several representations
for an enquiry by a Commission
and after a careful Consideration
of all the facts of the case
it was held that the case was
not one meriting any enquiry.
His next Contention is that
it is a Statutory obligation
to Conduct an enquiry into
the matter and that this
Contention is in accordance

With the Contract of Service.
He relies on the provisions
of the Mysore Service Regulations,
Mysore Civil ~~Courts~~ Courts
Act and the General Circulars
and Standing Orders

M.S.R

No rule could be traced in
the M.S.R which contemplates
the enquiry referred to by Mr Govinda
Rajulu Mudaliar

Sections 19 & 20 of the Civil Courts Act.

In support of his contention
that the Govt order of 6.6.
1939 directing his retirement
was passed without conducting
an enquiry ~~contemplated~~ contemplated under
the above mentioned sections of
the Act, he relies upon the
provisions of these sections which
it may be stated have no
application to the circumstances
of the present case.

Section 19 of the Act relates
to the suspension or removal

there is no question of
misconduct in the present case.

Sections 220-229 of the
above order appear to relate
to quasi judicial enquiry conducted
by departments concerned and
these provisions under these
sections appear to contemplate
cases for execution (Sec 221)

Sections 234-239 relate to
the punishment of public servants.
In the present case it may
be submitted that after
observing all the formalities
the order of retirement was
passed. The opinion of the
High Court was obtained and
the subject was discussed in
the Council and after the
approval of His Highness, the
orders of the retirement of
the officer were passed.

His contention in para 4 of
his petition that the orders of
retirement were passed on a
single charge (alleged manipula

Reliefs prayed for.

order granting an enquiry or refusal to grant such an enquiry is ultra vires or

c) the order retiring him is ultra vires

(a) It has been held that this is not a fit case for any enquiry.

(b) This does not appear to arise in view of (a)

(c) The Govt have by virtue of the powers vested in them ordered the retirement of the officer His Highness Jamethan has been obtained Interim It cannot therefore be treated as ultra vires. Every formality has been observed

He appears to be under a misconception that he was retired in respect of a single charge without an adequate enquiry. The adverse remarks made in the confidential reports on the work of the officer

and the opinion of the superior officers about his incompetency are not perhaps matters which can come under the purview of rules governing enquiries

In respect of the alleged manipulation of the figures, the Judges are of opinion that their views on the subject were based on the admitted facts by the Government Pleadings.

It is assumed that ~~there~~ an appeal does not lie to any Court in respect of orders passed on administrative grounds

The High Court have stated that the High Court's Communication on the subject cannot be debated. The words employed in the G.O. of 6.6.1939 were in accordance with the

He was also granted after the date of order of retirement Combined leave for 4 months and 25 days.

He was granted Concessions more than ordinary admissible and as such there does not appear to be any ground for ~~fo~~ giving any discontentment